

Notice of Allowability

Application No.

10/525,674

Examiner

Mohammad Meah

Applicant(s)

KROGER ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 1/4/2007.
2. ☐ The allowed claim(s) is/are 1, 5, 7-10, 12, 14, 17- 24, 27-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claims 1, 5, 7-10, 12, 14, 17-24, 27-31 were pending.

Claims 1, 5, 7-10, 12, 14, 17-24, 27-31 allowable after following amendments.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Enter the amended claims that applicant faxed on January 4 2007.

Authorization for this examiner's amendment was given by Roberte Makowski with Telephone on 1/11/2007.

EXAMINER'S AMENDMENT

Claim1 (a) line 3 replace -- codes--with-- encodes--.

Claim 7 line 1 replace -- coding metA --with--metA encoding--.

Claim 8 line 3 and line 4 replace -- coding metA --with--metA encoding--.

Claim 9 line 1 replace -- coding metA --with--metA encoding--.

Claim 10 lines 3-4 replace -- over expressed such that its activity is not influenced by metabolic metabolite--with---- over expressed.

Claim17 (a) line 3 replace -- codes--with-- encodes--.

Claim18 line 2 replace -- coding--with-- nucleotide--.

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Claim 19 line 2 replace -- codes for--with-- encodes--.

Claim 20 line 1 replace -- coding metA --with--metA encoding--.

Claim 21 line 3 and line 4 replace -- coding metA --with--metA encoding--.

Claim 22 line 1 replace -- coding metA --with--metA encoding--.

Claim 23 lines 3-4 replace -- over expressed such that its activity is not influenced by metabolic metabolite --with---- overexpressed.

Claim 27 line 1 replace -- coding metA --with--metA encoding--.

Claim 28 line 3 and line 4 replace -- coding metA --with--metA encoding--.

Claim 29 line 1 replace -- coding metA --with--metA encoding--.

Claim 30 lines 3-4 replace -- over expressed such that its activity is not influenced by metabolic metabolite --with---- overexpressed.

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Reason for Allowance


Applicant has isolated a novel metA encoding polypeptides of SEQ ID NO: 2 from *Corynebacterium diphtheriae*. Prior art does not teach or suggest the said polypeptide. As such method of production of L-methionine using microorganisms exogenously expressed with gene encoding recombinant polypeptide of SEQ ID NO: 2 is novel and non-obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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